

AMC and GM to Annex II AUTHORITY REQUIREMENTS FOR AIR OPERATIONS
(PART-ARO)

Subpart GEN – General requirements

SECTION I - GENERAL

AMC1 ARO.GEN.120(d)(3) Means of compliance

GENERAL

The information to be provided to other Member States following approval of an alternative means of compliance should contain a reference to the Acceptable Means of Compliance (AMC) to which such means of compliance provides an alternative, as well as a reference to the corresponding Implementing Rule, indicating as applicable the subparagraph(s) covered by the alternative means of compliance.

GM1 ARO.GEN.120 Means of compliance

GENERAL

Alternative means of compliance used by a competent authority or by organisations under its oversight may be used by other competent authorities or organisations only if processed again in accordance with ARO.GEN.120 (d) and (e).

SECTION II - MANAGEMENT

AMC1 ARO.GEN.200(a) Management system

GENERAL

- (a) All of the following should be considered when deciding upon the required organisational structure:
 - (1) the number of certificates, attestations, authorisations and approvals to be issued;
 - (2) the number of certified persons and organisations exercising an activity within that Member State, including persons or organisations certified by other competent authorities;
 - (3) the possible use of qualified entities and of resources of other competent authorities to fulfil the continuing oversight obligations;
 - (4) the level of civil aviation activity in terms of (i) number and complexity of aircraft operated; (ii) size and complexity of the Member State's aviation industry;
 - (5) the potential growth of activities in the field of civil aviation.
- (b) The set-up of the organisational structure should ensure that the various tasks and obligations of the competent authority do not rely solely on individuals. A continuous and undisturbed fulfilment of these tasks and obligations of the competent authority should also be guaranteed in case of illness, accident or leave of individual employees.

GM1 ARO.GEN.200(a) Management system

GENERAL

- (a) The competent authority designated by each Member State should be organised in such a way that:

- (1) there is specific and effective management authority in the conduct of all relevant activities;
- (2) the functions and processes described in the applicable requirements of Regulation (EC) No 216/2008¹ and its Implementing Rules and AMCs, Certification Specifications (CSs) and Guidance Material (GM) may be properly implemented;
- (3) the competent authority's organisation and operating procedures for the implementation of the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules are properly documented and applied;
- (4) all competent authority personnel involved in the related activities are provided with training where necessary;
- (5) specific and effective provision is made for the communication and interface as necessary with the Agency and the competent authorities of other Member States; and
- (6) all functions related to implementing the applicable requirements are adequately described.

(b) A general policy in respect of activities related to the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules should be developed, promoted and implemented by the manager at the highest appropriate level; for example the manager at the top of the functional area of the competent authority that is responsible for such activities.

(c) Appropriate steps should be taken to ensure that the policy is known and understood by all personnel involved, and all necessary steps should be taken to implement and maintain the policy.

(d) The general policy, whilst also satisfying additional national regulatory responsibilities, should in particular take into account:

- (1) the provisions of Regulation (EC) No 216/2008;
- (2) the provisions of the applicable Implementing Rules and their AMCs, CSs and GM;
- (3) the needs of industry; and
- (4) the needs of the Agency and of the competent authority.

(e) The policy should define specific objectives for key elements of the organisation and processes for implementing related activities, including the corresponding control procedures and the measurement of the achieved standard.

AMC1 ARO.GEN.200(a)(1) Management system

DOCUMENTED POLICIES AND PROCEDURES

- (a) The various elements of the organisation involved with the activities related to Regulation (EC) No 216/2008 and its Implementing Rules should be documented in order to establish a reference source for the establishment and maintenance of this organisation.
- (b) The documented procedures should be established in a way that facilitates their use. They should be clearly identified, kept up-to-date and made readily available to all personnel involved in the related activities.
- (c) The documented procedures should cover, as a minimum, all of the following aspects:
 - (1) policy and objectives;
 - (2) organisational structure;

¹ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC. OJ L 79, 19.3.2008, p. 1.

- (3) responsibilities and associated authority;
- (4) procedures and processes;
- (5) internal and external interfaces;
- (6) internal control procedures;
- (7) training of personnel;
- (8) cross-references to associated documents;
- (9) assistance from other competent authorities or the Agency (where required).

(d) It is likely that the information is held in more than one document or series of documents, and suitable cross-referencing should be provided. For example, organisational structure and job descriptions are not usually in the same documentation as the detailed working procedures. In such cases it is recommended that the documented procedures include an index of cross-references to all such other related information, and the related documentation should be readily available when required.

AMC1 ARO.GEN.200(a)(2) Management system

QUALIFICATION AND TRAINING - GENERAL

- (a) The competent authority should ensure appropriate and adequate training of its personnel to meet the standard that is considered necessary to perform the work. To ensure personnel remain qualified, arrangements should be made for initial and recurrent training as required.
- (b) The basic capability of the competent authority's personnel is a matter of recruitment and normal management functions in selection of personnel for particular duties. Moreover, the competent authority should provide training in the basic skills as required for those duties. However, to avoid differences in understanding and interpretation, all personnel should be provided with further training specifically related to Regulation (EC) No 216/2008, its Implementing Rules and related AMCs, CSs and GM, as well as related to the assessment of alternative means of compliance.
- (c) The competent authority may provide training through its own training organisation with qualified trainers or through another qualified training source.
- (d) When training is not provided through an internal training organisation, adequately experienced and qualified persons may act as trainers, provided their training skills have been assessed. If required, an individual training plan should be established covering specific training skills. Records should be kept of such training and of the assessment, as appropriate.

AMC2 ARO.GEN.200(a)(2) Management system

QUALIFICATION AND TRAINING - INSPECTORS

(a) Initial training programme:

The initial training programme for inspectors should include, as appropriate to their role, current knowledge, experience and skills in at least all of the following:

- (1) aviation legislation organisation and structure;
- (2) the Chicago Convention, relevant ICAO annexes and documents;
- (3) the applicable requirements and procedures;
- (4) management systems, including auditing, risk assessment and reporting techniques;
- (5) human factors principles;
- (6) rights and obligations of inspecting personnel of the competent authority;

- (7) 'on-the-job' training;
- (8) suitable technical training appropriate to the role and tasks of the inspector, in particular for those areas requiring approvals.

(b) Recurrent training programme:

The recurrent training programme should reflect, at least, changes in aviation legislation and industry. The programme should also cover the specific needs of the inspectors and the competent authority.

GM1 ARO.GEN.200(a)(2) Management System

SUFFICIENT PERSONNEL

- (a) This GM on the determination of the required personnel is limited to the performance of certification and oversight tasks, excluding personnel required to perform tasks subject to any national regulatory requirements.
- (b) The elements to be considered when determining required personnel and planning their availability may be divided into quantitative and qualitative elements:
 - (1) Quantitative elements:
 - (i) the estimated number of initial certificates to be issued;
 - (ii) the number of organisations certified by the competent authority;
 - (iii) the number of persons to whom the competent authority has issued a licence, certificate, rating, authorisation or attestation;
 - (iv) the estimated number of persons and organisations exercising their activity within the territory of the Member State and established or residing in another Member State.
 - (2) Qualitative elements:
 - (i) the size, nature and complexity of activities of certified organisations (cf. AMC1 ORO.GEN.200(b)), taking into account:
 - (A) privileges of the organisation;
 - (B) type of approval, scope of approval, multiple certification;
 - (C) possible certification to industry standards;
 - (D) types of aircraft / flight simulation training devices (FSTDs) operated;
 - (E) number of personnel; and
 - (F) organisational structure, existence of subsidiaries;
 - (ii) the safety priorities identified;
 - (iii) the results of past oversight activities, including audits, inspections and reviews, in terms of risks and regulatory compliance, taking into account:
 - (A) number and level of findings;
 - (B) timeframe for implementation of corrective actions; and
 - (C) maturity of management systems implemented by organisations and their ability to effectively manage safety risks, taking into account also information provided by other competent authorities related to activities in the territory of the Member States concerned; and
 - (iv) the size and complexity of the Member State's aviation industry and the potential growth of activities in the field of civil aviation, which may be an indication of the number of new applications and changes to existing certificates to be expected.

- (c) Based on existing data from previous oversight planning cycles and taking into account the situation within the Member State's aviation industry, the competent authority may estimate:
 - (1) the standard working time required for processing applications for new certificates (for persons and organisations);
 - (2) the number of new certificates to be issued for each planning period; and
 - (3) the number of changes to existing certificates to be processed for each planning period.
- (d) In line with the competent authority's oversight policy, the following planning data should be determined specifically for each type of organisation certified by the competent authority:
 - (1) standard number of audits to be performed per oversight planning cycle;
 - (2) standard duration of each audit;
 - (3) standard working time for audit preparation, on-site audit, reporting and follow-up, per inspector;
 - (4) standard number of ramp and unannounced inspections to be performed;
 - (5) standard duration of inspections, including preparation, reporting and follow-up, per inspector;
 - (6) minimum number and required qualification of inspectors for each audit/inspection.
- (e) Standard working time could be expressed either in working hours per inspector or in working days per inspector. All planning calculations should then be based on the same unit (hours or working days).
- (f) It is recommended to use a spreadsheet application to process data defined under (c) and (d), to assist in determining the total number of working hours / days per oversight planning cycle required for certification, oversight and enforcement activities. This application could also serve as a basis for implementing a system for planning the availability of personnel.
- (g) For each type of organisation certified by the competent authority the number of working hours / days per planning period for each qualified inspector that may be allocated for certification, oversight and enforcement activities should be determined, taking into account:
 - (1) purely administrative tasks not directly related to oversight and certification;
 - (2) training;
 - (3) participation in other projects;
 - (4) planned absence; and
 - (5) the need to include a reserve for unplanned tasks or unforeseeable events.
- (h) The determination of working time available for certification, oversight and enforcement activities should also consider:
 - (1) the possible use of qualified entities; and
 - (2) possible cooperation with other competent authorities for approvals involving more than one Member State.
- (i) Based on the elements listed above, the competent authority should be able to:
 - (1) monitor dates when audits and inspections are due and when they have been carried out;
 - (2) implement a system to plan the availability of personnel; and

- (3) identify possible gaps between the number and qualification of personnel and the required volume of certification and oversight.

Care should be taken to keep planning data up-to-date in line with changes in the underlying planning assumptions, with particular focus on risk-based oversight principles.

AMC1 ARO.GEN.200(d) Management system

PROCEDURES AVAILABLE TO THE AGENCY

- (a) Copies of the procedures related to the competent authority's management system and their amendments to be made available to the Agency for the purpose of standardisation should provide at least the following information:
 - (1) Regarding continuing oversight functions undertaken by the competent authority, the competent authority's organisational structure with description of the main processes. This information should demonstrate the allocation of responsibilities within the competent authority, and that the competent authority is capable of carrying out the full range of tasks regarding the size and complexity of the Member State's aviation industry. It should also consider overall proficiency and authorisation scope of competent authority personnel.
 - (2) For personnel involved in oversight activities, the minimum professional qualification requirements and experience and principles guiding appointment (e.g. assessment).
 - (3) How the following are carried out: assessing applications and evaluating compliance, issuance of certificates, performance of continuing oversight, follow-up of findings, enforcement measures and resolution of safety concerns.
 - (4) Principles of managing exemptions and derogations.
 - (5) Processes in place to disseminate applicable safety information for timely reaction to a safety problem.
 - (6) Criteria for planning continuing oversight (oversight programme), including adequate management of interfaces when conducting continuing oversight (air operations, flight crew licensing, continuing airworthiness management for example).
 - (7) Outline of the initial training of newly recruited oversight personnel (taking future activities into account), and the basic framework for continuation training of oversight personnel.
- (b) As part of the continuous monitoring of a competent authority, the Agency may request details of the working methods used, in addition to the copy of the procedures of the competent authority's management system (and amendments). These additional details are the procedures and related guidance material describing working methods for competent authority personnel conducting oversight.
- (c) Information related to the competent authority's management system may be submitted in electronic format.

GM1 ARO.GEN.205 Allocation of tasks to qualified entities

CERTIFICATION TASKS

The tasks that may be performed by a qualified entity on behalf of the competent authority include those related to the initial certification and continuing oversight of persons and organisations as defined in this Regulation, with the exclusion of the issuance of certificates, licences, ratings or approvals.

AMC1 ARO.GEN.220(a) Record-keeping**GENERAL**

- (a) The record-keeping system should ensure that all records are accessible whenever needed within a reasonable time. These records should be organised in a way that ensures traceability and retrievability throughout the required retention period.
- (b) Records should be kept in paper form or in electronic format or a combination of both media. Records stored on microfilm or optical disc form are also acceptable. The records should remain legible and accessible throughout the required retention period. The retention period starts when the record has been created.
- (c) Paper systems should use robust material, which can withstand normal handling and filing. Computer systems should have at least one backup system, which should be updated within 24 hours of any new entry. Computer systems should include safeguards against unauthorised alteration of data.
- (d) All computer hardware used to ensure data backup should be stored in a different location from that containing the working data and in an environment that ensures they remain in good condition. When hardware- or software-changes take place, special care should be taken that all necessary data continue to be accessible at least through the full period specified in the relevant Subpart or by default in ARO.GEN.220 (c).

AMC1 ARO.GEN.220(a)(1);(2);(3) Record-keeping**COMPETENT AUTHORITY MANAGEMENT SYSTEM**

Records related to the competent authority's management system should include, as a minimum and as applicable:

- (a) the documented policies and procedures;
- (b) the personnel files of competent authority personnel, with supporting documents related to training and qualifications;
- (c) the results of the competent authority's internal audit and safety risk management processes, including audit findings and corrective actions; and
- (d) the contract(s) established with qualified entities performing certification or oversight tasks on behalf of the competent authority.

AMC1 ARO.GEN.220(a)(4) Record-keeping**ORGANISATIONS**

Records related to an organisation certified by the competent authority should include, as appropriate to the type of organisation:

- (a) the application for an organisation approval;
- (b) the documentation based on which the approval has been granted and any amendments to that documentation;
- (c) the organisation approval certificate including any changes;
- (d) a copy of the continuing oversight programme listing the dates when audits are due and when such audits were carried out;
- (e) continuing oversight records including all audit and inspection records;
- (f) copies of all relevant correspondence;
- (g) details of any exemption and enforcement actions;
- (h) any report from other competent authorities relating to the oversight of the organisation; and

- (i) a copy of any other document approved by the competent authority.

GM1 ARO.GEN.220(a)(4) Record-keeping

ORGANISATIONS - DOCUMENTATION

Documentation to be kept as records in support of the approval include the management system documentation, including any technical manuals, such as the operations manual, and training manual, that have been submitted with the initial application, and any amendments to these documents.

AMC1 ARO.GEN.220(a)(6) Record-keeping

ACTIVITIES PERFORMED IN THE TERRITORY OF A MEMBER STATE BY PERSONS OR ORGANISATIONS ESTABLISHED OR RESIDING IN ANOTHER MEMBER STATE

- (a) Records related to the oversight of activities performed in the territory of a Member State by persons or organisations established or residing in another Member State should include, as a minimum:
 - (1) oversight records including all audit and inspection records and related correspondence;
 - (2) copies of all relevant correspondence to exchange information with other competent authorities relating to the oversight of such persons/organisations;
 - (3) details of any enforcement measures and penalties; and
 - (4) any report from other competent authorities relating to the oversight of these persons/organisations, including any notification of evidence showing non-compliance with the applicable requirements.
- (b) Records should be kept by the competent authority having performed the audit or inspection and should be made available to other competent authorities at least in the following cases:
 - (1) serious incidents or accidents;
 - (2) findings through the oversight programme where organisations certified by another competent authority are involved, to determine the root cause;
 - (3) an organisation being certified or having approvals in several Member States.
- (c) When records are requested by another competent authority, the reason for the request should be clearly stated.
- (d) The records can be made available by sending a copy or by allowing access to them for consultation.

GM1 ARO.GEN.220 Record-keeping

GENERAL

Records are required to document results achieved or to provide evidence of activities performed. Records become factual when recorded. Therefore, they are not subject to version control. Even when a new record is produced covering the same issue, the previous record remains valid.

SECTION III - OVERSIGHT, CERTIFICATION AND ENFORCEMENT

AMC1 ARO.GEN.300 (a);(b);(c) Oversight

GENERAL

- (a) The competent authority should assess the organisation and monitor its continued competence to conduct safe operations in compliance with the applicable requirements. The competent authority should ensure that accountability for assessing organisations is clearly defined. This accountability may be delegated or shared, in whole or in part. Where more than one competent authority is involved, a responsible person should be appointed under whose personal authority organisations are assessed.
- (b) It is essential that the competent authority has the full capability to adequately assess the continued competence of an organisation by ensuring that the whole range of activities is assessed by appropriately qualified personnel.

GM1 ARO.GEN.300(a); (b);(c) Oversight

GENERAL

- (a) Responsibility for the conduct of safe operations lies with the organisation. Under these provisions a positive move is made towards devolving upon the organisation a share of the responsibility for monitoring the safety of operations. The objective cannot be attained unless organisations are prepared to accept the implications of this policy including that of committing the necessary resources to its implementation. Crucial to the success of the policy is the content of Part-ORO, which requires the establishment of a management system by the organisation.
- (b) The competent authority should continue to assess the organisation's compliance with the applicable requirements, including the effectiveness of the management system. If the management system is judged to have failed in its effectiveness, then this in itself is a breach of the requirements which may, among others, call into question the validity of a certificate, if applicable.
- (c) The accountable manager is accountable to the competent authority as well as to those who may appoint him/her. It follows that the competent authority cannot accept a situation in which the accountable manager is denied sufficient funds, manpower or influence to rectify deficiencies identified by the management system.

GM1 ARO.GEN.300(d) Oversight

ACTIVITIES WITHIN THE TERRITORY OF THE MEMBER STATE

- (a) Activities performed in the territory of the Member State by persons or organisations established or residing in another Member State include:
 - (1) activities of organisations certified by the competent authority of any other Member State or the Agency; and
 - (2) activities of persons holding a licence, certificate, rating, or attestation issued by the competent authority of any other Member State.
- (b) Audits and inspections of such activities, including ramp and unannounced inspections, should be prioritised towards those areas of greater safety concern, as identified through the analysis of data on safety hazards and their consequences in operations.

AMC1 ARO.GEN.305(b) Oversight programme

SPECIFIC NATURE AND COMPLEXITY OF THE ORGANISATION, RESULTS OF PAST OVERSIGHT

- (a) When determining the oversight programme for an organisation the competent authority should consider in particular the following elements, as applicable:

- (1) the implementation by the organisation of industry standards, directly relevant to the organisation's activity subject to this Regulation;
- (2) the procedure applied for and scope of changes not requiring prior approval;
- (3) specific approvals held by the organisation;
- (4) specific procedures implemented by the organisation related to any alternative means of compliance used.

(b) For the purpose of assessing the complexity of an organisation's management system, AMC1 ORO.GEN.200(b) should be used.

(c) Regarding results of past oversight, the competent authority should also take into account relevant results of ramp inspections of organisations it has certified that were performed in other Member States in accordance with ARO.RAMP.

AMC2 ARO.GEN.305(b) Oversight programme

PROCEDURES FOR OVERSIGHT OF OPERATIONS

- (a) Each organisation to which a certificate has been issued should have an inspector specifically assigned to it. Several inspectors should be required for the larger companies with widespread or varied types of operation. This does not prevent a single inspector being assigned to several companies. Where more than one inspector is assigned to an organisation, one of them should be nominated as having overall responsibility for supervision of, and liaison with, the organisation's management, and be responsible for reporting on compliance with the requirements for its operations as a whole.
- (b) Audits and inspections, on a scale and frequency appropriate to the operation, should cover at least:
 - (1) infrastructure,
 - (2) manuals,
 - (3) training,
 - (4) crew records,
 - (5) equipment,
 - (6) release of flight/dispatch,
 - (7) dangerous goods,
 - (8) organisation's management system.
- (c) The following types of inspections should be envisaged, as part of the oversight programme:
 - (1) flight inspection,
 - (2) ground inspection (documents and records),
 - (3) ramp inspection.

The inspection should be a 'deep cut' through the items selected and all findings should be recorded. Inspectors should review the root cause(s) identified by the organisation for each confirmed finding.

Inspectors should be satisfied that the root cause(s) identified and the corrective actions taken are adequate to correct the non-compliance and to prevent re-occurrence.

- (d) Audits and inspections may be conducted separately or in combination. Audits and inspections may, at the discretion of the competent authority, be conducted with or without prior notice to the organisation.

- (e) Where it is apparent to an inspector that an organisation has permitted a breach of the applicable requirements, with the result that air safety has, or might have, been compromised, the inspector should ensure that the responsible person within the competent authority is informed without delay.
- (f) In the first few months of a new operation, inspectors should be particularly alert to any irregular procedures, evidence of inadequate facilities or equipment, or indications that management control of the operation may be ineffective. They should also carefully examine any conditions that may indicate a significant deterioration in the organisation's financial management. When any financial difficulties are identified, inspectors should increase technical surveillance of the operation with particular emphasis on the upholding of safety standards.
- (g) The number or the magnitude of the non-compliances identified by the competent authority will serve to support the competent authority's continuing confidence in the organisation's competence or, alternatively, may lead to an erosion of that confidence. In the latter case the competent authority should review any identifiable shortcomings of the management system.

GM1 ARO.GEN.305(b) Oversight Programme

FINANCIAL MANAGEMENT

Examples of trends that may indicate problems in a new organisation's financial management are:

- (a) significant lay-offs or turnover of personnel;
- (b) delays in meeting payroll;
- (c) reduction of safe operating standards;
- (d) decreasing standards of training;
- (e) withdrawal of credit by suppliers;
- (f) inadequate maintenance of aircraft;
- (g) shortage of supplies and spare parts;
- (h) curtailment or reduced frequency of revenue flights; and
- (i) sale or repossession of aircraft or other major equipment items.

AMC1 ARO.GEN.305(b)(1) Oversight programme

AUDIT

- (a) The oversight programme should indicate which aspects of the approval will be covered with each audit.
- (b) Part of an audit should concentrate on the organisation's compliance monitoring reports produced by the compliance monitoring personnel to determine if the organisation is identifying and correcting its problems.
- (c) At the conclusion of the audit, an audit report should be completed by the auditing inspector, including all findings raised.

AMC2 ARO.GEN.305(b)(1) Oversight programme

RAMP INSPECTIONS

- (a) When conducting a ramp inspection of aircraft used by organisations under its regulatory oversight the competent authority should, in as far as possible, comply with the requirements defined in ARO.RAMP.

- (b) When conducting ramp inspections on other-than-suspected aircraft, the competent authority should take into account the following elements:
 - (1) repeated inspections should be avoided of those organisations for which previous inspections have not revealed safety deficiencies;
 - (2) the oversight programme should enable the widest possible sampling rate of aircraft flying into their territory; and
 - (3) there should be no discrimination on the basis of the organisation's nationality, the type of operation or type of aircraft, unless such criteria can be linked to an increased risk.
- (c) For aircraft other than those used by organisations under its regulatory oversight, when conducting a risk assessment the competent authority should consider aircraft that have not been ramp inspected for more than 6 months.

AMC1 ARO.GEN.305(b);(c) Oversight programme

INDUSTRY STANDARDS

- (a) For organisations having demonstrated compliance with industry standards, the competent authority may adapt its oversight programme, in order to avoid duplication of specific audit items.
- (b) Demonstrated compliance with industry standards should not be considered in isolation from the other elements to be considered for the competent authority's risk-based oversight.
- (c) In order to be able to credit any audits performed as part of certification in accordance with industry standards, the following should be considered:
 - (1) the demonstration of compliance is based on certification auditing schemes providing for independent and systematic verification;
 - (2) the existence of an accreditation scheme and accreditation body for certification in accordance with the industry standards has been verified;
 - (3) certification audits are relevant to the requirements defined in Annex III (Part-ORO) and other Annexes to this Regulation as applicable;
 - (4) the scope of such certification audits can easily be mapped against the scope of oversight in accordance with Annex III (Part-ORO);
 - (5) audit results are accessible to the competent authority and open to exchange of information in accordance with Article 15(1) of Regulation (EC) No 216/2008; and
 - (6) the audit planning intervals of certification audits i.a.w. industry standards are compatible with the oversight planning cycle.

AMC1 ARO.GEN.305(c) Oversight programme

OVERSIGHT PLANNING CYCLE

- (a) When determining the oversight planning cycle and defining the oversight programme, the competent authority should assess the risks related to the activity of each organisation and adapt the oversight to the level of risk identified and to the organisation's ability to effectively manage safety risks.
- (b) The competent authority should establish a schedule of audits and inspections appropriate to each organisation's business. The planning of audits and inspections should take into account the results of the hazard identification and risk assessment conducted and maintained by the organisation as part of the organisation's management system. Inspectors should work in accordance with the schedule provided to them.

- (c) When the competent authority, having regard to an organisation's safety performance, varies the frequency of an audit or inspection it should ensure that all aspects of the operation are audited and inspected within the applicable oversight planning cycle.
- (d) The section(s) of the oversight programme dealing with ramp inspections should be developed based on geographical locations, taking into account aerodrome activity, and focusing on key issues that can be inspected in the time available without unnecessarily delaying the operations.

AMC2 ARO.GEN.305(c) Oversight programme

OVERSIGHT PLANNING CYCLE

- (a) For each organisation certified by the competent authority all processes should be completely audited at periods not exceeding the applicable oversight planning cycle. The beginning of the first oversight planning cycle is normally determined by the date of issue of the first certificate. If the competent authority wishes to align the oversight planning cycle with the calendar year, it should shorten the first oversight planning cycle accordingly.
- (b) The interval between two audits for a particular process should not exceed the interval of the applicable oversight planning cycle.
- (c) Audits should include at least one on-site audit within each oversight planning cycle. For organisations exercising their regular activity at more than one site, the determination of the sites to be audited should consider the results of past oversight, the volume of activity at each site, as well as main risk areas identified.
- (d) For organisations holding more than one certificate, the competent authority may define an integrated oversight schedule to include all applicable audit items. In order to avoid duplication of audits, credit may be granted for specific audit items already completed during the current oversight planning cycle, subject to four conditions:
 - (1) the specific audit item should be the same for all certificates under consideration;
 - (2) there should be satisfactory evidence on record that such specific audit items were carried out and that all corrective actions have been implemented to the satisfaction of the competent authority;
 - (3) the competent authority should be satisfied that there is no reason to believe standards have deteriorated in respect of those specific audit items being granted a credit;
 - (4) the interval between two audits for the specific item being granted a credit should not exceed the applicable oversight planning cycle.

AMC1 ARO.GEN.305(d) Oversight programme

PERSONS HOLDING A LICENCE, CERTIFICATE, RATING OR ATTESTATION

The oversight of persons holding a licence, certificate, rating or attestation should normally be ensured as part of the oversight of organisations. Additionally, the competent authority should verify compliance with applicable requirements when endorsing or renewing ratings.

To properly discharge its oversight responsibilities, the competent authority should perform a certain number of unannounced verifications.

AMC1 ARO.GEN.310(a) Initial certification procedure - organisations

VERIFICATION OF COMPLIANCE

- (a) Upon receipt of an application for an air operator certificate (AOC), the competent authority should:

- (1) assess the management system and processes, including the operator's organisation and operational control system;
- (2) review the operations manual and any other documentation provided by the organisation; and
- (3) for the purpose of verifying the organisation's compliance with the applicable requirements, conduct an audit at the organisation's facilities. The competent authority may require the conduct of one or more demonstration flights operated as if they were commercial flights.

(b) The competent authority should ensure that the following steps are taken:

- (1) The organisation's written application for an AOC should be submitted at least 90 days before the date of intended operation, except that the operations manual may be submitted later, but not less than 60 days before the date of intended operation. The application form should be printed in language(s) of the competent authority's choosing.
- (2) An individual should be nominated by the responsible person of the competent authority to oversee, to become the focal point for all aspects of the organisation certification process and to coordinate all necessary activity. The nominated person should be responsible to the responsible person of the competent authority for confirming that all appropriate audits and inspections have been carried out. He/she should also ensure that the necessary specific or prior approvals required by (b)(3) are issued in due course. Of particular importance on initial application is a careful review of the qualifications of the organisations' nominated persons. Account shall be taken of the relevance of the nominee's previous experience and known record.
- (3) Submissions that require the competent authority's specific or prior approval should be referred to the appropriate department of the competent authority. Submissions should include, where relevant, the associated qualification requirements and training programmes.

(c) The ability of the applicant to secure, in compliance with the applicable requirements and the safe operation of aircraft, all necessary training and, where required, licensing of personnel, should be assessed. This assessment should also include the areas of responsibility and the numbers of those allocated by the applicant to key management tasks.

(d) In order to verify the organisation's compliance with the applicable requirements, the competent authority should conduct an audit of the organisation, including interviews of personnel and inspections carried out at the organisation's facilities.

The competent authority should only conduct such audit after being satisfied that the application shows compliance with the applicable requirements.

(e) The audit should focus on the following areas:

- (1) detailed management structure, including names and qualifications of personnel required by ORO.GEN.210 and adequacy of the organisation and management structure;
- (2) personnel:
 - (i) adequacy of number and qualifications with regard to the intended terms of approval and associated privileges;
 - (ii) validity of licences, ratings, certificates or attestations as applicable;
- (3) processes for safety risk management and compliance monitoring;
- (4) facilities – adequacy with regard to the organisation's scope of work;
- (5) documentation based on which the certificate should be granted (organisation documentation as required by Part-ORO, including technical manuals, such as operations manual or training manual).

- (f) In case of non-compliance, the applicant should be informed in writing of the corrections that are required.
- (g) When the verification process is complete, the person with overall responsibility, nominated in accordance with (b)(2), should present the application to the person responsible for the issue of an AOC together with a written recommendation and evidence of the result of all investigations or assessments which are required before the operator certificate is issued. Approvals required shall be attached to the recommendation. The competent authority should inform the applicant of its decision concerning the application within 60 days of receipt of all supporting documentation. In cases where an application for an organisation certificate is refused, the applicant should be informed of the right of appeal as exists under national law.

AMC1 ARO.GEN.330 Changes – organisations

GENERAL

- (a) Changes in nominated persons:

The competent authority should be informed of any changes to personnel specified in Part-ORO that may affect the certificate or terms of approval/approval schedule attached to it. When an organisation submits the name of a new nominee for any of the persons nominated as per ORO.GEN.210(b), the competent authority should require the organisation to produce a written résumé of the proposed person's qualifications. The competent authority should reserve the right to interview the nominee or call for additional evidence of his/her suitability before deciding upon his/her acceptability.

- (b) A simple management system documentation status sheet should be maintained, which contains information on when an amendment was received by the competent authority and when it was approved.
- (c) The organisation should provide each management system documentation amendment to the competent authority, including for the amendments that do not require prior approval by the competent authority. Where the amendment requires competent authority approval, the competent authority, when satisfied, should indicate its approval in writing. Where the amendment does not require prior approval, the competent authority should acknowledge receipt in writing within 10 working days.
- (d) For changes requiring prior approval, in order to verify the organisation's compliance with the applicable requirements, the competent authority should conduct an audit of the organisation, limited to the extent of the changes. If required for verification, the audit should include interviews and inspections carried out at the organisation's facilities.

GM1 ARO.GEN.330 Changes – organisations

CHANGE OF NAME OF THE ORGANISATION

- (a) On receipt of the application and the relevant parts of the organisation's documentation as required by Part-ORO, the competent authority should re-issue the certificate.
- (b) A name change alone does not require the competent authority to audit the organisation, unless there is evidence that other aspects of the organisation have changed.

GM1 ARO.GEN.350 Findings and corrective actions – organisations

TRAINING

For a level 1 finding it may be necessary for the competent authority to ensure that further training by the organisation is carried out and audited by the competent authority before the activity is resumed, dependent upon the nature of the finding.

GM1 ARO.GEN.355(b) Findings and enforcement measures – persons

GENERAL

This provision is necessary to ensure that enforcement measures will be taken also in cases where the competent authority may not act on the licence, certificate or attestation. The type of enforcement measure will depend on the applicable national law and may include for example the payment of a fine or the prohibition from exercising.

It covers two cases:

- (a) persons subject to the requirements laid down in Regulation (EC) No 216/2008 and its Implementing Rules who are not required to hold a licence, certificate or attestation; and
- (b) persons who are required to hold a licence, rating, certificate or attestation, but who do not hold the appropriate licence, rating, certificate or attestation as required for the activity they perform.

SUBPART OPS - AIR OPERATIONS

SECTION I - CERTIFICATION OF COMMERCIAL AIR TRANSPORT OPERATORS

AMC1 ARO.OPS.105 Code-share arrangements

SAFETY OF A CODE-SHARE AGREEMENT

- (a) When evaluating the safety of a code-share agreement, the competent authority should check that the:
 - (1) documented information provided by the applicant in accordance with ORO.AOC.115 is complete and shows compliance with the applicable ICAO standards; and
 - (2) operator has established a code-share audit programme for monitoring continuous compliance of the third country operator with the applicable ICAO standards.
- (b) The competent authority should request the applicant to make a declaration covering the above items.
- (c) In case of non-compliance the applicant should be informed in writing of the corrections which are required.

AMC2 ARO.OPS.105 Code-share arrangements

AUDITS PERFORMED BY A THIRD PARTY PROVIDER

When audits are performed by a third party provider, the competent authority should verify if the third party provider meets the criteria established in AMC2 ORO.AOC.115(b).